

Notice of Allowability

Application No.

09/939,730

Examiner

Nguyen Ngo

Applicant(s)

TAJIRI ET AL.

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 7/6/2005.
2. ☒ The allowed claim(s) is/are 2,3,5,7 and 8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael A. Sartori on August 31, 2005.

The application has been amended as follows:

2. -Claim 4 has been cancelled.
3. -Claim 5, line 1, the phrase "The device in accordance with claim 4" has been changed to -- The device in accordance with claim 3 --.

Allowable Subject Matter

4. Claims 2, 3, 5, 7, and 8 are allowed.

The following is an examiner's statement for reason for allowance:

5. Claim 3 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose the frequency-of-

transmission monitoring circuit and any corresponding steps set forth by these

limitations. It is noted that the closest prior art, Schuster et al. (US 6,483,600) discloses a system for communicating a facsimile reliably in real-time comprising a facsimile receiver, a facsimile sender, a facsimile modulation detector, a V.21 demodulator/modulator, and an I/O controller. However, Schuster et al. fails to disclose or render obvious the above underlined limitations as claimed.

5. Claim 7 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose **determining among the newly fed coded data designated by serial numbers, the coded data with a last serial number and the coded data with an oldest serial number having been sent in a continuous sequence up to said data with said last serial number to be the subject coded data.** It is noted that the closest prior art, Schuster et al. (US 6,483,600) discloses a method for communicating a facsimile reliably in real-time comprising a facsimile receiver, a facsimile sender, a facsimile modulation detector, a V.21 demodulator/modulator, and an I/O controller. However, Schuster et al. fails to disclose or render obvious the above underlined limitations as claimed.

Conclusion

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NN.

Nguyen Ngo

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Patent Examiner AU 2663
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RICKY NGO
PRIMARY EXAMINER